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09/416,278	10/14/1999	BRADLEY S. TEMPLETON	21892-03950	5956

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EXAMINER	
VAN DOREN, BETH	
ART UNIT	**PAPER NUMBER**
3623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	09/416,278	TEMPLETON, BRADLEY S.	
	Examiner	Art Unit	
	Beth Van Doren	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-8,54-57 and 72-81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-8,54-57 and 72-81* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. The following is a Final office action in response to the communications received 1/10/2007. Claims 1, 3, 4, 7, 8, 54, and 78 have been amended. Claims 1, 3-8, 54-57, and 72-81 are pending in this office action.

Response to Amendment

2. Applicant's amendment to claim 78 is sufficient to overcome the claims objections set forth in the previous office action.

3. Applicant's amendments to claims 3, 7, 8, and 54 are sufficient to overcome the 35 U.S.C. 112, second paragraph, rejections set forth in the previous office action.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 3-8, 54-55, 72-79, and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby et al. (U.S. 6,044,146) in view of Yacenda et al. (U.S. 5,515,426).

As per claim 1, Gisby et al. teaches a computer-implemented method for the intermediation of real time meetings, comprising:

receiving an indication by a requester system that a requester (R-A) wants to request a real-time meeting M-A with a target T-A (See figures 2 and 3, column 2, lines

33-39, column 3, lines 1-14, wherein incoming calls are received because a caller needs a meeting with a target agent);

sending to a decider system (D) a request to conduct a real time meeting M-A (See figures 2 and 3, column 5, lines 1-20 and 40-55, wherein a system receives the request for the meeting and queues the request);

queuing the request for the meeting M-A by the decider system (See figures 2-3, column 5, lines 20-40, wherein the request is queued);

receiving by the decider system (D) an availability status of T-A (See column 3, lines 1-5, column 4, lines 55-54, column 5, lines 5-10, column 6, lines 37-44, column 7, lines 1-20 and 39-55, which discusses availability);

receiving by the decider system (D) an availability status of R-A (See column 5, lines 20-40 and 45-62, column 6, lines 35-50, and column 7, lines 1-10 and 32-52, wherein the availability status of R-A (the requester) is based on priority and thus the requester can be gotten based on this status);

receiving an indication by the requester system that a requester (R-B) wants to request a real-time meeting M-B with target T-B, the meeting M-B to be disjoint in time with the meeting M-A; and such that one of the parties to M-A (R-A or T-A), known as the 'common party' is also the same as one of the parties to M-B (R-B or T-B) and thus there are only three distinct parties, the decider D being associated with the common party (See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines 1-15 and 35-50, wherein a second request for an agent is received, the request is queued, and wherein a queue of callers requesting an agent is formed. There is

one agent that takes multiple calls from the queue and thus the agent is the common party);

sending to the decider system (D) a request to conduct a real time meeting M-B (See figures 2 and 3, column 5, lines 1-20 and 40-55, wherein a system receives the request for the meeting and queues the request);

queuing the request for the meeting M-B by the decider system, such that requests for at least two distinct meetings, disjoint in time are placed in the queue, so that multiple pending real time meetings for the common party are in the queue at the same time (See figures 2-3, column 5, lines 20-40, wherein the request is queued, and wherein a queue of callers requesting an agent is formed);

receiving by the decider system (D) an availability status of target T-B (See column 3, lines 1-15, column 4, lines 55-54, column 5, lines 5-10, column 6, lines 37-44, column 7, lines 1-20 and 39-55, which discusses availability);

receiving by the decider system (D) an availability status of the requester R-B (See column 5, lines 20-40 and 45-62, column 6, lines 35-50, and column 7, lines 1-10 and 32-52, wherein the availability status of R-A (the requester) is based on priority and thus the requester can be gotten based on this status);

initiating, by the decider, one of the two meetings M-A and M-B by connecting the common party and the other party to that meeting when the common party and that other party are mutually available (See column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, wherein both parties are available and the meeting is initiated based on the availability and priority of the requester and the availability of the agent); and

dequeuing the request for a meeting upon its completion (See at least column 5, lines 1-10, column 8, lines 25-30, wherein it is inherent that the call finishes and that the agent moves to the next requestor in the queue).

However, Gisby et al. does not expressly disclose that a possible availability status of the requester R-A or R-B includes "not available".

Yacenda et al. discloses that the requestor (who called an unavailable target party) leaves his/her number for callback and then when the target party becomes available, the requestor is no longer available (and thus his/her status is unavailable) (See figures 24 and 24B, column 17, line 55-column 18, line 5, and column 19, lines 32-55, wherein a callback function is indicated, the party to be called back (the requester) is unavailable, and the meeting does not occur until both parties are available).

Both Gisby et al. and Yacenda et al. disclose systems teach telephone functions for connecting a call requester (calling party) and a call target. Gisby et al. specifically discloses systems where requesters are queued when targets are busy. It would have been obvious to one of ordinary skill in the art at the time of the invention to include the call back function of Yacenda et al. in the system of Gisby et al. in order to more efficiently facilitate calls between users by eliminating "phone tag" situations and causing a user to be on hold for long periods of time.

As per claim 3, Gisby et al. teaches wherein a system of the target T-A is polled to determine the availability of target T-A (See column 5, lines 5-11, wherein the system knows if the target is logged in and busy).

As per claim 4, Gisby et al. teaches wherein the system of the target T-A sends the availability status of target T-A to the decider system (See column 5, lines 5-11,

column 7, lines 1-15 and 30-50, wherein the system knows if the target is busy based on status information established by the target).

As per claim 5, Gisby et al. teaches wherein a system of a party is polled to determine the party's availability (See column 5, lines 5-11, wherein the system knows if the target is logged in and busy).

As per claim 6, Gisby et al. teaches wherein the system of a party sends the party's availability status to the decider system (See column 5, lines 5-11, column 7, lines 1-15 and 30-50, wherein the system knows if the target is busy based on status information established by the target).

As per claim 7, Gisby et al. teaches wherein mutual availability is determined by checking the availability of one of the target/requester pairs T-A/R-A or T-B/R-B and the target (See column 5, lines 5-11, wherein the system knows if the target is logged in and busy or available. Further, see column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, which discusses availability and priority of the requester).

As per claim 8, Gisby et al. teaches wherein a request is sent to a plurality of targets and mutual availability is determined when the requester and one of the plurality of targets is available (See column 3, lines 1-15, column 4, lines 55-67, column 5, lines 35-40, column 6, lines 35-50, column 7, lines 1-20 and 39-55, wherein both parties are available and the meeting is initiated based on the availability and priority of the requester and the availability of the agent).

As per claim 54, Gisby et al. teaches displaying the availability status of one pf the requesters R-A and R-B on the target system, along with an indication that one of the

requesters R-A and R-B has requested a meeting (See column 6, lines 45-60, column 8, lines 25-45, wherein the target receives a pop-up concerning the requester).

As per claim 55, Gisby et al. teaches wherein the availability status is one of in, out, and unknown (See column 5, lines 5-11, wherein the system knows if the target is logged in. See also column 7, lines 1-10 and 30-57, which discusses further status information about a logged in agent).

As per claim 72, Gisby et al. teaches wherein the decider system a part of the system of the common party for whom it is responsible, and wherein the decider already knows the status of the common party for which it is responsible (The common party is construed as the agent. See figures 2 and 3, column 5, lines 1-20 and 40-55, which discuss the system of the agent(s). See column 5, lines 5-11, wherein the system knows if the target is logged in. See also column 7, lines 1-10 and 30-57, which discusses further status information about a logged in agent).

As per claim 73, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available based on priority information provided by either party (See figure 3, column 5, lines 20-40, column 6, lines 35-55, column 7, lines 1-9 and 30-50, wherein availability is based on priority of the requester) or the order in time in which the requests were made (See figure 2, column 4, line 54-column 3, line 11, which discusses FIFO).

As per claim 74, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on ranking information including manual ranking through a user interface presented to the common party (See column 6, lines 45-60, column 8, lines 25-45,

wherein the target receives a pop-up concerning the requester and has the ability to bump the current call or finish the current call).

As per claim 75, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on priority information provided by either party (See figure 3, column 5, lines 20-40, column 6, lines 35-55, column 7, lines 1-9 and 30-50, wherein availability is based on priority of the requester).

As per claim 76, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on the order in time in which the requests were made (See figure 2, column 4, line 54-column 3, line 11, which discusses FIFO).

As per claim 77, Gisby et al. teaches wherein the decider system chooses to activate one of two real time meetings, where the parties for both meetings are available, based on relationship information about the parties based on party input or past history (see column 5, lines 60-67, wherein a customer database is used).

As per claim 78, Gisby et al. teaches wherein a non-common requester is party to another, distinct meeting request (See figures 2-3, column 3, lines 1-20, column 5, lines 20-40, column 6, lines 35-45, column 7, lines 1-15 and 35-50, wherein a second request for an agent is received, the request is queued, and wherein a queue of callers requesting an agent is formed).

As per claim 79, Gisby et al. teaches wherein a non-common target is party to another distinct meeting request (See figures 2-3, wherein there is a second agent with separate call handling).

As per claim 81, Gisby et al. teaches wherein if all parties become available at once, only one of the meetings M-A and M-B will occur immediately and the other meeting will remain queued (See figure 3, column 5, lines 20-40, column 6, lines 35-55, column 7, lines 1-9 and 30-50, wherein availability is based on priority of the requester, and thus the meeting with the higher priority will occur and the once with lesser priority will remain in the queue).

6. Claims 56-57 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby et al. (U.S. 6,044,146) in view of Yacenda et al. (U.S. 5,515,426) and in further view of Vaios (U.S. 6,272,216).

As per claim 56, Gisby et al. teaches an availability status of the target T-A (See column 3, lines 1-15, column 4, lines 55-54, column 5, lines 5-10, column 6, lines 37-44, column 7, lines 1-20 and 39-55, which discusses availability). However, neither Gisby et al. does nor Yacenda et al. expressly disclose displaying an availability status of the target T-A on the requester system, along with an indication that the requestor has requested a meeting with the target.

Vaios teaches displaying an availability status of the target T-A on the requester system, along with an indication that the requestor has requested a meeting with the target (See abstract, figure 2, column 4, lines 8-15, 35-58, column 5, lines 19-29, 38-39, and 53-67).

Gisby et al. and Yacenda et al. are in analogous art and it is obvious to combine these references for the reasons set forth above. Further, both Gisby et al. and Vaios

disclose systems that connect requesters to agents using queuing methods. Vaios expressly discloses the requester side of these systems, wherein the requester may view status and other information about agents. It would have been obvious to one of ordinary skill in the art at the time of the invention to also allow the requester system to view availability data and meeting requests by the requester in order to more efficiently let the requester gain service in a more timely manner and to allow the requester to have greater control over the handling and routing of their calls. See column 1, lines 23-25 and column 4, lines 43-58 of Vaios.

As per claim 57, Gisby et al. teaches wherein the availability status is one of in, out, and unknown (See column 5, lines 5-11, wherein the system knows if the target is logged in. See also column 7, lines 1-10 and 30-57, which discusses further status information about a logged in agent).

As per claim 80, Gisby et al. teaches wherein the target has two or more real-time meetings in the queue (See figures 2-3, column 5, lines 20-40). However, neither Gisby et al. nor Yacenda et al. expressly disclose that the requester has two or more real-time meetings in the queue.

Vaios teaches that the requester has two or more real-time meetings in the queue (See abstract, column 4, lines 8-15, 43-58, column 5, lines 19-29 and 53-56, wherein multiple requests to multiple agents are queued by the same requester system).

Gisby et al. and Yacenda et al. are in analogous art and it is obvious to combine these references for the reasons set forth above. Further, both Gisby et al. and Vaios disclose systems that connect requesters to agents using queuing methods. It would have been obvious to one of ordinary skill in the art at the time of the invention to also allow

the requester system to create a queue of outgoing calls while waiting for an agent in order to more efficiently let the requester gain service in a more timely manner and to allow the requester to have greater control over the handling and routing of their calls. See column 1, lines 23-25 and column 4, lines 43-58 of Vaios.

Response to Arguments

7. Applicant's arguments with regards to Gisby et al. (U.S. 6,044,146) have been fully considered, but are moot in view of the new grounds of rejection, as necessitated by amendment.

8. Applicant's arguments with regards to Gisby et al. (U.S. 6,044,146) and Vaios (U.S. 6,272,216) have been fully considered, but they are not persuasive. In the remarks, Applicant argues that he disagrees that it would have been obvious to one of ordinary skill in the art at the time of the invention to combine Vaios and Gisby et al, since the caller/requesters in Gisby can change their queue position and thus it would not be desirable to see that they have moved to a lower place in the queue.

In response to this argument, Applicant respectfully disagrees. Examiner first notes that the grounds of rejections have changed, and now claims 56-57 and 80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby et al. in view of Yacenda et al. (U.S. 5,515,426) and in further view of Vaios. Further, examiner respectfully disagrees with applicant. While the requester in Gisby et al. may change queue position, a requester would still want to know his/her queue status and the availability of the targets, in order to understand his/her place in the queue. Therefore, examiner maintains that it would have been obvious to one of ordinary skill in the art at the time of the invention to also allow the requester system to view availability data and

meeting requests by the requester in order to more efficiently let the requester gain service in a more timely manner and to allow the requester to have greater control over the handling and routing of their calls. See column 1, lines 23-25 and column 4, lines 43-58 of Vaios.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lucas (U.S. 4,220,821) discloses conference calls, conference initiators, and connecting calls based on availability.

Biggs et al. (U.S. 5,625,407) discloses a third party conference call system.

Bales et al. (U.S. 5,544,237) discloses setting a conference call and initiating the call when all stations are available to take the call.

Cannon et al. (U.S. 6,629,159) teaches a conference call system that either allows a third party to enter a conference call or indicates a busy line.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is 571-272-6737. The examiner can normally be reached on M-F, 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bvd
March 16, 2007

Beth Van Doren
AU 3623
Patent Examiner